

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2010 FEB 11 PM IN<sup>4</sup> THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

DEPUTY CLERK pl

No. 10-10009

U. S. COURT OF APPEALS  
**FILED**

FEB - 4 2010

DARREL REECE HUNTER,

CHARLES R. FULBRIDGE III  
CLERK

Plaintiff - Appellant

v.

UNITED STATES SUPREME COURT; BARACK OBAMA; JOHN MCCAIN;  
DEMOCRATIC NATIONAL COMMITTEE; REPUBLICAN NATIONAL  
COMMITTEE; UNITED STATES CONGRESS, House; UNITED STATES  
CONGRESS, Senate; UNITED STATES ELECTORAL COLLEGE, All 50  
U.S. States, District of Columbia; FEDERAL ELECTION COMMITTEE;  
GEORGE W. BUSH,

Defendants - Appellees

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Appeal from the United States District Court for the  
Northern District of Texas, Amarillo  
USDC No. 2:08-CV-232

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Before GARZA, DeMOSS and CLEMENT, Circuit Judges.

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellate Procedure 4(a)(1)(A), the notice of appeal in a civil case must be filed within thirty days of entry of judgment. In this civil rights action, the district court entered final judgment dismissing the complaint on January 16, 2009. The plaintiff's

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notice of appeal was filed on December 31, 2009, well past the time allowed. The time limitation for filing a notice of appeal in a civil case is jurisdictional. *Bowles v. Russell*, 551 U.S. 205, 212-13 (2007). The lack of a timely notice mandates dismissal of the appeal. *Robbins v. Maggio*, 750 F.2d 405, 408 (5th Cir. 1985).

IT IS SO ORDERED.

A true copy  
Attest:

Clerk, U.S. Court of Appeals, New Orleans

By Rhonda Parker  
New Orleans, Louisiana